

Court Reporters Board of California



Strategic Plan

2007-2008

Court Reporters Board of California

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Table of Contents

Introduction.....	2
Background and Strategic Planning Process	3
Mission	4
Vision.....	4
Values	5
Goals	5
Key Strategic Issues.....	6
Action Plan	8
Professional Qualifications.....	9
Practice Standards	10
Enforcement.....	11
Consumer Information	12
Organizational Effectiveness.....	13
Organizational Structure	14

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Introduction

The integrity of our legal system rests on accurate records. Court reporters play an essential role in providing these documents by ensuring that there is a verbatim transcription of judicial proceedings.

The Court Reporters Board (the CRB) of California was established in 1951 by an act of the Legislature. The Board's mandate is to protect consumers from incompetent practitioners. It does this by

1) Administering a competency test to ensure new court reporters possess the basic skills needed for the job, 2) Authorizing the minimum curriculum which court reporting schools offer, and 3) Disciplining licensees when necessary. In addition, the Board administers the Transcript Reimbursement Fund (TRF). The TRF *increases* access to the justice system by reimbursing court reporters for providing transcripts to *indigent* civil litigants. All of the Board's activities, including the TRF, are funded from licensing and examination fees. Because of this, the Board is considered a special fund or self-funded agency because no tax dollars from the General Fund support the Board.

The Board is composed of three members of the public and two licensed court reporters. The Governor appoints one member of the public and two licensed court reporters to the Board. The Speaker of the Assembly and the Senate Rules Committee each appoint one public member. All Board members serve staggered, four-year terms.

As of November 30, 2006, the Board has issued 13,144 licenses. Of this number, there are 7,638 current licensees (licensees who have renewed their license - the Board does not track what number of current licensees are actively working). In the profession, licensees are known as either *official reporters* who work in court, or *freelancer reporters* who work independently or in the private market. Freelance reporters report depositions, hearings, arbitrations, etc.

The CRB office is located in Sacramento. There is an Executive Officer who oversees a staff of four people, including an enforcement analyst, an examination/licensing analyst, a TRF/school analyst, and a receptionist. Additional temporary staff is added based on seasonal workload and Board goals.

Background and Strategic Planning Process

The past year has been busy. The Board has all five positions filled again which has allowed it to conduct all necessary business. The Board passed its Sunset review; it has written a regulation for a professional code of conduct and improved its disciplinary procedures. It has also initiated a review of school oversight standards and made improvements to testing based on federal and State validation standards.

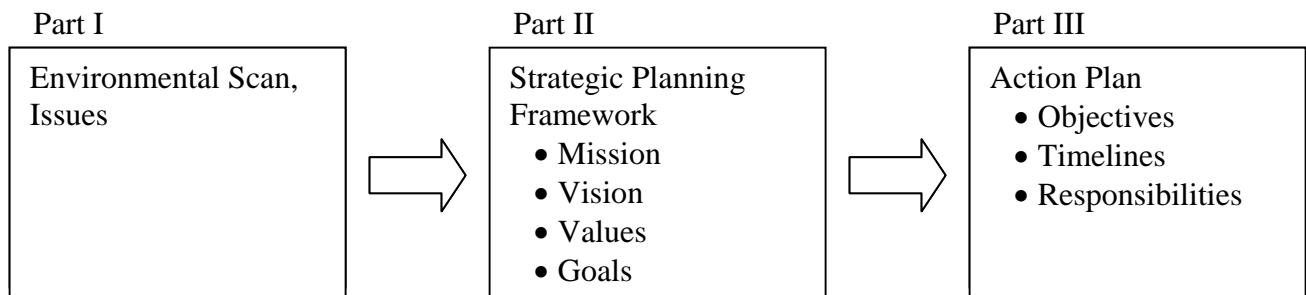
It is important that the CRB continue to improve. In order to accomplish this, it undertook a strategic planning process to identify key issues in the broader environment that affect the CRB; to clarify its mission, vision, and values; and to identify future goals, objectives, and priorities.

The Board held initial conversations in which members identified strengths, weaknesses, opportunities, and threats affecting the CRB, the industry, and consumers. They gathered together background information and relevant documents. The Board then held two meetings on October 20th and 21st at the offices of Moore Iacofano Goltsman, Inc. This plan is the result of those meetings.

The planning process began with a scan of the external environment and relevant issues. From the results of these findings, the Board refined their mission, vision, and value statements. Using this framework, they wrote goals and objectives, created a timeline, and assigned responsibilities for implementing priority objectives and actions.

The process is summarized below:

CRB Strategic Planning Process



Mission

The mission of the CRB is to protect the health, safety, and welfare of the public by ensuring the integrity of judicial records through oversight of the court reporting profession. The CRB carries out this mission by testing, licensing, and disciplining court reporters, and by recognizing the schools of court reporting that meet state curriculum standards.

Specifically, the CRB's role is to:

- Ensure that those entering the practice meet minimum standards of competency by way of examination;
- Establish standards of practice for those licensed to practice court reporting;
- Impartially investigate and promptly resolve violations of laws, codes, and standards governing court reporting in a fair and uniform manner;
- Recognize those court reporting schools that meet state curriculum standards;
- Serve as a source of information about best practices, standards, and the profession of court reporting;
- Administer the Transcript Reimbursement Fund, that reimburses court reporters for providing transcripts to indigent civil litigants; and
- Evaluate new technologies and, if appropriate, help integrate the technologies into the practice of court reporting.

Vision

The CRB will play a major role in ensuring that court reporters provide the highest quality professional services. Specifically,

- California court reporters will possess the knowledge, skills, and abilities that will enable them to produce accurate and timely judicial records, thereby protecting the integrity of public records;
- California court reporters will be competent in all areas of practice and will adhere to high standards of technical competency and professional conduct;
- Candidates will have access to all necessary education and training materials either through high-quality schools or continuing education materials; and
- California court reporters will be respected by members of the court and the public for their role as guardians of the records.

Values

The CRB will strive for the highest possible quality throughout all of its programs, making it an effective and efficient court reporting regulatory agency.

To that end, the CRB will be:

- Consumer oriented, treating all persons who interact with the CRB as valued customers;
- Accountable to its licensees, the government, and the general public;
- Progressive, utilizing the most advanced means for providing services; and
- Proactive, exercising leadership among consumer protection and professional practice groups.

California Court reporters will be:

- Committed to the protection of civil rights and the judicial process;
- Ethical, impartial, and objective; and
- Professional in all aspects of their work.

Goals

The CRB has established five goals that provide the framework for the results it wants to achieve in accomplishing its mission. These goals include:

PROFESSIONAL QUALIFICATIONS

Ensure the professional qualifications of those practicing court reporting by establishing examination standards and requirements for continuing competency/education.

PRACTICE STANDARDS

Establish regulatory standards of practice for California court reporters.

ENFORCEMENT

Protect consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur.

CONSUMER INFORMATION

Increase public and professional awareness of the CRB's mission, activities, and services.

ORGANIZATIONAL EFFECTIVENESS

Enhance organizational effectiveness and improve the quality of customer service.

Key Strategic Issues

This update of the CRB's strategic plan was preceded by an environmental scan. From the findings of an examination of the CRB's external environment, the CRB members and staff and industry members identified the potential issues and challenges which might affect the CRB's ability to carry out its mission over the long term. The following trends, assumptions, and issues helped form the foundation of the CRB's strategic plan.

Professional Qualifications

- **Passage rates for the licensing exam remain low and inconsistent.** While it is important to have high standards to ensure that those entering the field have the skills necessary to carry out their professional requirements, it is also important not to impose undue barriers to licensure. During some years, the passing rate for test takers who dropped to 15 percent. Additionally, there is a statistical difference between the passage rates for candidates from private and public schools.
- **There are currently no continuing education requirements for court reporters.** Given changes in the field due to technology and the need to keep skills current, it may be wise to add such a requirement. Additionally, there is a need for mentors for new court reporters.

Practice Standards

- **Currently, there is no clear definition for the industry of what actions constitute professional misconduct although the majority of complaints the CRB receives are regarded as such.** Licensees should be apprised of what is actionable before a situation occurs that could place them in a disciplinary action. The Board has adopted a "Professional Standards of Practice" which is expected to be in regulation by early 2007. At that time, the Board should begin to identify types of actions that would fall into a professional misconduct violation.
- **Rapid changes in information technology, such as voice writer programs, continue to have dramatic impact on the profession of court reporting.** For example, as a result of the Internet, overseas remote processing is now possible. The demand for court reporters to have the technological skills to remain competitive is increasing.

Enforcement

- **A recent court case limited the ability of the CRB to take action against court reporters who engage in fraudulent acts that are unrelated to the practice of court reporting.** The specific case dealt with a reporter who subcontracted some transcription work to other court reporters, but never paid them. The court ruled that the action had not occurred in the actual process of the reporting, so the Board could not discipline the licensee. There was some discussion that if fraud had been alleged in the disciplinary action, the outcome may have been different.
- **The firms that hire court reporters are not regulated by the CRB, although practitioners are licensed.** Firms have the ability to affect the delivery and pricing of the transcript, which could impact the reporter's license under various regulatory codes. Firms should be liable for the work produced if they take on the responsibility of changing the final transcript. This could be achieved through licensure, certification, or some other method of regulation.

Consumer Information

- **Consumers need to be aware of the existence of the CRB so that they can register complaints.** The CRB recognizes that more can be done to inform lawyers and other consumers of court reporter services and of the role of the Board in regulating the industry and enforcing standards. Consumers also need to have knowledge of document standards so they know the quality to which they are entitled.
- **The CRB needs to monitor how changes in practice necessitate changes in regulation.** Of particular concern is ensuring the security and privacy of recordings and documents as more records become computerized.

Organization

- **There have been complaints that the Board is inconsistently responsive to the questions of licensees.** The complaint is that questions forwarded to the CRB do not always receive timely responses. Steps such as creating a frequently asked questions section on the CRB Web site will help.
- **There is a continuing danger that the CRB might be eliminated.** In January 1995, California began a process of reviewing and eliminating unnecessary regulatory boards. While the review committee did not recommend "sunsetting" the CRB, the threat of elimination has not passed. In order to continue to exist, the CRB must continue to maintain high standards of operations and must make its usefulness clear.
- **There are many groups involved in representing court reporters.** Although each of these groups is involved with the protection of the reporter, they each have a different and unique style of working on court reporter issues. It is important that the CRB recognize these differences and work with the industry to facilitate responses to reporter issues.

Action Plan

The Action Plan is a dynamic framework for the many activities the CRB performs in accomplishing its mission. The goals and objectives are assigned to committees, subcommittees, task forces, staff members, or individuals to ensure completion of the CRB’s goals and objectives.

Professional Qualifications.....9

Practice Standards.....10

Enforcement.....11

Consumer Information.....12

Organizational Effectiveness13

Professional Qualifications

Goal: Ensure the professional qualifications of those practicing court reporting by setting requirements for education, examinations, and enforcement.

Ongoing Responsibilities

- Maintain competency of those practicing the profession.
- Establish curriculum standards.
- Conduct CSR examinations.
- Keep the court reporters exam up to date.
- Establish and conduct school performance reviews.

Objectives

Target Date

PQ1. Conduct board briefings on current practices and procedures on school curriculum recognition.

March 2007

PQ2. Determine the best approach for ensuring qualifications for real-time reporting, evaluating options, and making recommendations to the Board on how to proceed.

March 2007

PQ3. Convene a committee or task force to study options for implementing continued competency requirements for court reporters.

June 2007

PQ4. Convene a task force or hire a consultant to study passage rates, school programs, and industry standards.

December 2007

Practice Standards

Goal: Establish regulatory standards of practice for California court reporters.

Ongoing Responsibilities

- Report felonies and misdemeanors to the State Attorney General.
- Monitor the effect of technology on the profession.
- Set new standards of practice in accordance with changes in the profession and consumer needs.
- Be proactive in recognizing and addressing industry trends and pending issues.

Objectives	Target Date
PS1. Provide technical bulletin regarding proper use of the audio sync; include legal opinion.	January 2007
PS2. Meet with DCA representatives to discuss privacy issues associated with use of electronic files and identify options for ensuring consumer protection.	January 2007
PS3. Work with schools to address proper use of audio sync in course curriculum.	February 2007
PS4. Convene a stakeholders group to study the pros and cons of banning use of audio sync.	January 2008
PS5. Investigate and determine the CRB's authority to regulate court reporting firms.	January 2008

Enforcement

Goal: Protect consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur.

Ongoing Responsibilities

- Prevent unlicensed activity.
- Enforce standards of practice.
- Investigate complaints.
- File accusations with the Attorney General as appropriate.
- Issue citations and fines.
- Monitor prominent legal cases for potential unethical practices.

Objectives	Target Date
EN1. Document CRB enforcement activities and record of accomplishments.	March 2007
EN2. Build enforcement capacity based on results of objectives PS4 and PS5.	June 2008

Consumer Information

Goal: Increase public and professional awareness of the CRB's mission, activities, and services.

Ongoing Responsibilities

- Be prevention-oriented.
- Provide information for licensees regarding practice standards.
- Use the Web site effectively to communicate with consumers, licensees, and schools.
- Increase consumer awareness of the CRB.

Objectives	Target Date
CI1. Assess the potential for implementing e-mail distribution system and implement if feasible.	January 2007
CI2. Develop and implement a consumer information and communication plan.	June 2007
CI3. Increase licensee awareness of professional standards of practice, for example, ethical practice, definition of fraudulent acts, etc.	June 2007
CI4. Develop a Minimum Continuing Legal Education (MCLE) course regarding working with court reporters.	January 2008

Organizational Effectiveness

Goal: Enhance organizational effectiveness and improve the quality of customer service.

Ongoing Responsibilities

- Maintain a high level of customer service.
- Be fiscally prudent.
- Ensure competence of Board staff; evaluate staff performance.
- Maintain budget.
- Address sunset review.
- Maintain Board/staff relations.
- Administer transcript reimbursement fund.
- Maintain working relationships with professional associations such as DCA, DOF, BPPVE, etc.

Objectives	Target Date
OE1. Restructure CRB committees to align with CRB's goals.	January 2007
OE2. Implement a system for monitoring progress on strategic plan specific priorities.	January 2007
OE3. Develop options for addressing and reducing budget reserve.	March 2007
OE4. Investigate the feasibility of reinstituting the CRB telephone advisory service.	March 2007
OE5. Involve representatives of professional organizations and associations on the CRB committees.	March 2007
OE6. Implement a technology advisory memo series. (May be established as a Technology Advisory Committee.)	June 2007
OE7. Prepare sunset preview documentation; convene task force to assist Board in preparing Sunset review report.	January 2008

CRB Organizational Structure

The CRB has identified four committees, as described below, to implement its strategic plan. Committees may be restructured or additional committees and/or taskforces established as needed.

